

**DEFAULT DECLINED**

4/14/08

RICHARD W. WIEKING, CLERK

BY

DEPUTY CLERK

TEAGUE P. PATERSON, SBN 226659  
BEESON, TAYER & BODINE, APC  
1404 Franklin Street, 5<sup>th</sup> Floor  
Oakland, CA 94612  
Telephone: (510) 625-9700  
Facsimile: (510) 625-8275  
Email: tpaterson@beesonayer.com

Attorneys for Plaintiff  
TRI-COUNTIES WELFARE TRUST FUND

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
AT SAN JOSE

TRI-COUNTIES WELFARE TRUST FUND,  
Plaintiff,

v.

KELVIN HILDEBRAND, INC.,  
HILDEBRAND & SONS TRUCKING, INC.,  
WEST COAST DRAYAGE, HILDEBRAND  
BROTHERS TRUCKING, MORYA  
GULARTE TRUCKING, d/b/a MG  
TRUCKING, and KELVIN HILDEBRAND,  
Defendant.

Case No. CV-07-5941 JW

**PLAINTIFF'S REQUEST FOR ENTRY OF  
DEFAULT BY CLERK**

**TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF CALIFORNIA**

Please enter the default of Defendant Kelvin Hildebrand pursuant Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend as appears from the Declaration of Teague P. Paterson in Support of Request for Entry of Default by Clerk filed concurrently herewith. A proposed Order for this Request is also being filed concurrently herewith.

Dated: April 8, 2008

Respectfully Submitted,

BEESON, TAYER & BODINE, APC

By: /s/Teague P. Paterson

TEAGUE P. PATERSON

Attorneys for TRI-COUNTIES WELFARE  
TRUST FUND

**PROOF OF SERVICE****U. S. DISTRICT COURT CASE NO. CV-07-5941 JW**

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is On this day, I served the foregoing Document(s):

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT BY CLERK**

☒ By Mail to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business in a United States mailbox in the City of Oakland, California:

Kelvin Hildebrand, President  
KELVIN HILDEBRAND, INC.  
6 Lewis Road  
Watsonville, CA 95076

Dorothea M. Hildebrand, President  
HILDEBRAND & SONS TRUCKING, INC.  
6 Lewis Road  
Watsonville, CA 95076

Kathleen Espinoza, Office Manager  
HILDEBRAND BROTHERS  
TRUCKING  
635 San Juan Pass Road  
Corralitos, CA 95076

KELVIN HILDEBRAND  
6 Lewis Road  
Watsonville, CA 95076

Diane Hildebrand, Owner  
WEST COAST DRAYAGE  
P.O. Box 400  
Watsonville, CA 95077

☐ By Personal Delivering a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

☐ By Overnight Delivery to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

☐ By Facsimile Transmission to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

I declare that the foregoing is true and correct. Executed in Oakland, California, on this date, April 9, 2008.

/s/Tanya Gatt  
Tanya Gatt, Secretary to Teague Paterson